

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
-----X

Case No. 07 CV 06418 (CM)(HP)

FRANCESCO GALLO,

Plaintiff,

-against-

ALITALIA- LINEE AEREE ITALIANE -
SOCIETA PER AZIONI,
PIERANDREA GALLI, and
GIULIO LIBUTTI,

Defendants
-----X

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

I, NUNZIA FATICA GALLO, do hereby state and declare under the penalties of perjury as follows:

1. I am over the age of 18 and reside in the State of New York.
 2. I am the wife of Francesco Gallo.
 3. On June 20, 2006, I received a telephone call from Mr. Giulio Libutti, Mr. Libutti told me that my husband was an homosexual and that he had an intimate relationship with Mr. Oskuz.
 4. During the same conversation Mr. Libutti told me that he was very sorry for me, that he wanted to help me and that he was not asking my husband to repay the amount that Alitalia had to pay Mr. Oksuz for his claims.
-

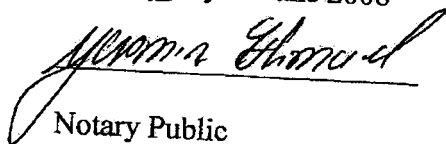
5. Mr. Libutti told me to convince my husband to not sue Mr. Libutti and Alitalia.
6. Mr. Libutti also told me that if my husband would sue Alitalia, he would ruin my husband's reputation in the world.
7. The defamatory statements were false.
8. Coincidentally after that conversation, many people had called me and offered me their support.


NUNZIA FATICA GALLO

JULY 2, 2008

Sworn to and subscribed before

me this 2 day of June 2008


Notary Public

YASMIN ISHMAEL
Notary Public, State of New York
No. 01188162854
Qualified in Queens County
Commission Expires Sept. 25, 2010

07/02/2008

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FRANCESCO GALLO,
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ALITALIA-LINEE AEREE ITALIANE-
SOCIETA PER AZIONI, PIERANDREA GALLI,
and GIULIO LIBUTTI,

Defendants.
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August 15, 2008
9:30 a.m.

Deposition of NUNZIA FATICA GALLO, a
non-party witness, held at the offices
of Vedder Price, P.C., 1633 Broadway,
New York, New York 10019, before Michael
Catania, a Shorthand Reporter and Notary
Public of the State of New York.

1 Nunzia Fatica Gallo
2 privilege.

3 MR. KORAL: As to when you were
4 engaged?

5 MR. DeTOFFOL: Attorney-client
6 privilege.

7 MR. KORAL: We may have to call the
8 magistrate on this. Are you serious that
9 you think that this is privileged, to ask
10 her when you were engaged?

11 MR. KOCIAN: Why don't we table
12 that and move on.

13 MR. KORAL: Yes, we will. I would
14 like to see if counsel would like to
15 reconsider the objection.

16 MR. DeTOFFOL: Where are you going
17 with this? I'm asking the question.

18 MR. KOCIAN: I do not see how this
19 is relevant to today's proceeding. I
20 join in the objection.

21 MR. KORAL: You are instructing the
22 witness not to answer this question?

23 MR. DeTOFFOL: I am raising the
24 privilege.

25 MR. KORAL: The answer is that you

1 Nunzia Fatica Gallo

2 A. No.

3 Q. Have you ever met Derrick Smith?

4 A. Yes.

5 Q. How many times?

6 A. Once.

7 Q. Could you tell me when that was?

8 A. I met him briefly in and out
9 yesterday.

10 Q. That was the first time you met
11 Derrick Smith?

12 A. Yes.

13 Q. Had you ever spoken do Derrick
14 Smith before?

15 A. No.

16 Q. Had you ever spoken to anybody from
17 his office before?

18 A. No.

19 Q. Okay.

20 A. You mean your office?

21 Q. No, his office, the firm of Akin &
22 Smith, or any attorney associated with them or
23 any paralegal associated with that firm.

24 A. No.

25 Q. Are you presently employed?

1 Nunzia Fatica Gallo
2 are instructing her not to answer.

3 MR. DeTOFFOL: Yes.

4 BY MR. KORAL:

5 Q. How long have you known
6 Mr. DeTofol?

7 MR. DeTOFFOL: I object again.

8 Do not answer.

9 Q. Have you been represented by any
10 other attorney in connection with this
11 lawsuit, ever?

12 MR. DeTOFFOL: Do you understand
13 the question?

14 A. No, I am not being represented by
15 anyone else.

16 Q. Mr. DeTofol is the only attorney
17 who has represented you?

18 A. Yes.

19 THE WITNESS: Can I speak with you?

20 Q. Specifically Mr. Derrick Smith and
21 the law firm of Akin & Smith have never
22 represented you?

23 A. No.

24 Q. Have you discussed this case with
25 Mr. Derrick Smith at any time?

1 Nunzia Fatica Gallo

2 A. Yes, I am.

3 Q. Where are you employed?

4 A. I am employed at Boriken
5 Neighborhood Health Center, associated with
6 Mount Sinai Hospital. I am associate
7 professor at The Hospital for Special Surgery.

8 Q. Do you see patients at The Hospital
9 for Special Surgery?

10 A. And Cornell Medical Center.

11 Q. How long have you been employed at
12 Boriken Neighborhood Health Center?

13 A. One month.

14 Q. Prior to that where were you
15 employed?

16 A. Cornell University, at The Hospital
17 for Special Surgery, for 25 years. I was
18 trained there, and I became an attending.

19 Q. Do you have a private practice
20 apart from your appointments at Cornell,
21 Boriken, and The Hospital for Special Surgery?

22 A. It is a faculty practice with the
23 institutions.

24 Q. So that you see private patients?

25 A. Yes, I do. But within the

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1 Nunzia Fatica Gallo

2 MR. DeTOFFOL: Sir, I will object
3 to this being outside the scope.

4 MR. KORAL: She was served Friday,
5 and your representing that she was served
6 Tuesday is incorrect.

7 A. 21 years of age, 18, 18, 15.

8 Q. Two of these are boys, sons?

9 A. Okay. Alessandro, 21 years of age.

10 Nicoletta Gallo is a girl; she was born
11 July 10th, 1990. Massiliano Gallo, he was
12 born July 10th, 1990. Clara Gallo, she was
13 born August 25th, 1992.

14 MR. DeTOFFOL: Note that we are not
15 objecting to not receiving or maintaining
16 that we never received the subpoena.

17 MR. KORAL: I understand that. You
18 said that you did not receive it until
19 Tuesday.

20 MR. DeTOFFOL: That is not an issue
21 here.

22 MR. KORAL: That is correct.

23 I'm going to mark as Nunzia --

24 THE WITNESS: You can put both last
25 names. Whatever you like.

1 Nunzia Fatica Gallo

2 A. No, I didn't. No.

3 Q. Did you prepare this document by
4 yourself?

5 MR. DeTOFFOL: I will object to
6 form. What do you mean by prepare?

7 Q. Did you type this?

8 A. Yes, I did.

9 Q. By yourself?

10 A. Yes.

11 Q. You typed the caption on the top of
12 it?

13 A. I have a computer. I did it at
14 home.

15 Q. Did anybody help you prepare it?

16 A. No.

17 Q. Did your husband advise you about
18 anything, any form that it should take and
19 what it should look like?

20 A. No.

21 Q. Nobody else did?

22 A. No.

23 Q. Have you ever signed an affidavit
24 before?

25 A. No.

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1 Nunzia Fatica Gallo

2 MR. KORAL: Mark the subpoena under
3 the name of Nunzia Fatica Gallo as Nunzia
4 Fatica Gallo Exhibit No. 1.

5 (Nunzia Fatica Gallo Exhibit 1,
6 subpoena, marked for identification, as
7 of this date.)

8 BY MR. KORAL:

9 Q. Have you looked at this exhibit?

10 A. Yes, I did.

11 Q. Is that your signature on the
12 second page?

13 A. Yes, it is.

14 Q. Do you remember when you signed it?

15 A. July 2nd, 2008.

16 Q. Where were you when you signed it?

17 A. I was in front of a notary public.

18 Q. Where were you when you signed it?

19 A. 57th Street at First Avenue.

20 Q. Was this in a lawyer's office?

21 A. It was a Citibank. I am a client
22 there, and they told me that I could use their
23 notary.

24 Q. Had you ever met someone called
25 Yasmin Ishmael before?

1 Nunzia Fatica Gallo

2 Q. Have you ever written an affidavit
3 before?

4 A. No.

5 Q. How did you know what an affidavit
6 should look like?

7 A. I saw an affidavit before, and I
8 copied.

9 Q. What affidavit did you see before?

10 A. I saw this one, but I typed this
11 myself.

12 Q. You said that you saw an affidavit
13 before?

14 A. I saw this affidavit before.

15 Q. You saw an earlier version of it?

16 A. Yes. I typed it myself.

17 Q. How did you come to see this
18 earlier version of this affidavit?

19 A. My husband gave it to me.

20 Q. Your husband gave it to you?

21 A. Yes.

22 Q. When did he do that?

23 A. A month -- two or three weeks
24 before. I don't recall.

25 Q. Two or three weeks prior to

8 (Pages 26 to 29)

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Nunzia Fatica Gallo

July 2nd, 2008?

A. Yes.

Q. What did he say when he gave it to you?

A. He said if you agree, you can sign it. But I changed it; I worded it myself.

Q. I think that I understand you. You said that your husband gave you an affidavit and said he would like to have you sign this --

A. No; he give it to me. I don't recall exactly what he said.

Q. Generally what did he say?

A. He said this is what you said because it is true that this happened. And if you feel that this is true, then you can sign it.

I said can I have this? And he said yes. I made my own affidavit with my own computer.

Q. Did you make any changes to what was in the affidavit your husband gave you?

A. Yes, I made some changes.

Q. Can you --

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Nunzia Fatica Gallo

A. I just was busy with the Regents examinations and I didn't think -- I didn't know there was a deadline.

To be honest, my husband never told me that there was a deadline. He never pressed me. He said whatever you feel like doing, and very nice that way.

I didn't even know there was a deadline. I thought I could take three years to do it. I didn't know there was a deadline. I didn't know. Was there a deadline?

Q. I'm not answering questions.

A. Okay. He said if you feel --

MR. DeTOFFOL: Okay. You answered the question. He will ask you another question.

Q. Did you ask your husband why he wanted you to sign an affidavit?

A. No.

Q. Do you understand why he wanted you to sign an affidavit now?

MR. DeTOFFOL: I object to that question.

MR. KORAL: Okay.

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Nunzia Fatica Gallo

A. I made some changes.

Q. You made some changes?

A. Yes.

Q. You said -- do you have an original copy?

A. No, I don't.

Q. Looking through the paragraphs of this affidavit numbered one through eight, can you show me which paragraphs you made changes to?

A. I think my name was spelled wrong. I think that this said that the relationship with Mr. Oskuz was a gay relationship, and I changed it to intimate. Intimate felt better to me. Essentially everything was the same.

Q. Those are the only two changes you remember, the spelling of your name and changing the word gay to intimate?

A. Correct.

Q. Did you discuss making those changes with your husband?

A. Not at all.

Q. Why did it take you two or three weeks to make those two changes?

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Nunzia Fatica Gallo

Q. You can answer.

MR. DeTOFFOL: Can you read it back.

(Question read back by the reporter.)

MR. DeTOFFOL: That's a compound question. I'm objecting to form.

MR. KOCIAN: I join in the objection.

Q. You can answer.

MR. DeTOFFOL: I mean you can try to answer it, if you understand the question. And if you don't, then say you don't understand the question.

A. I don't understand the question.

Q. Sitting here today, do you understand why your husband gave you an affidavit to sign?

MR. DeTOFFOL: What do you mean by understand? That's my problem.

MR. KORAL: You can have the problem, and you can keep reminding the witness.

A. I don't understand.

10 (Pages 34 to 37)

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1 Nunzia Fatica Gallo
 2 you have an ID? And I gave them my driver's
 3 license and sign, sign. That's all.
 4 Q. And then she gave it back to you?
 5 A. Yes.
 6 Q. Nobody else was there?
 7 A. I didn't know that there was
 8 supposed to be anybody else.
 9 Q. I didn't say that there was
 10 supposed to be anybody else. I am asking you
 11 if there was anybody else there.
 12 A. No.
 13 Q. What did you do with this affidavit
 14 after you had it signed at the Citibank at
 15 57th Street?
 16 A. I was late at work because the bank
 17 opens at nine, and I'm supposed to be at work
 18 at eight. I waited for the bank to open, and
 19 I went to work.
 20 And in the evening I went home and
 21 left it on table for my husband on the -- what
 22 do you call it? Working table.
 23 Q. You did not speak to him about it?
 24 A. I said I signed it. I saw him
 25 later and I said I signed it.

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1 Nunzia Fatica Gallo
 2 Q. Your husband testified that the two
 3 of you don't communicate except about
 4 absolutely essential things.
 5 A. Correct.
 6 Q. How long has that been true?
 7 MR. DeTOFFOL: Counsel, I'm going
 8 to object to it because I think that's
 9 outside the scope. She testified at
 10 length about the interaction with respect
 11 to being present with it and delivering
 12 it.
 13 MR. KORAL: He is not instructing
 14 you not to answer.
 15 MR. DeTOFFOL: I am.
 16 MR. KORAL: We will take that up
 17 with the magistrate. You don't have to
 18 say anything further.
 19 Q. Did you make a copy of it before
 20 you left it on your husband's work table?
 21 A. No.
 22 Q. Is your husband's work table in a
 23 common area of the house, or in a room that is
 24 just his?
 25 A. I put it in a folder. I did not

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1 Nunzia Fatica Gallo
 2 make a copy and I left it under a piece like
 3 this, a piece of folder or book. I said it is
 4 under -- I don't know what the word is in
 5 English. It is on your scrittorio or your
 6 working table. What to you call this? Under
 7 your working desk, sorry.
 8 Q. You did not tell any of your
 9 children about this?
 10 A. No.
 11 Q. You left it there on July 2nd, the
 12 same day you signed it and had it notarized?
 13 A. July 2nd was a weekday, right?
 14 MR. KORAL: July 4th was a Friday,
 15 and --
 16 MR. DeTOFFOL: Just do it from your
 17 memory.
 18 A. It was in the evening, a weekday.
 19 Maybe it was a Friday.
 20 Q. You left it the same day?
 21 A. I left it the same day.
 22 Q. Did you tell your husband that you
 23 had left it on his work table?
 24 A. I already told you that I told him
 25 that it was on the table. I told you a few

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1 Nunzia Fatica Gallo
 2 minutes ago that I advised him that it was on
 3 the table.
 4 Q. Did you ever discuss the affidavit
 5 with him again?
 6 A. No.
 7 Q. You never asked him what he did
 8 with it?
 9 A. No.
 10 Q. Did you ever see it again until the
 11 last week or so?
 12 A. No.
 13 Q. Did you ask him for a copy when you
 14 realized you were going to be deposed about
 15 it?
 16 A. No.
 17 Q. Is he in New York right now?
 18 MR. DeTOFFOL: Objection.
 19 Don't answer.
 20 MR. KOCIAN: I join in the
 21 objection.
 22 MR. KORAL: You are instructing her
 23 not to answer?
 24 MR. DeTOFFOL: Yes; scope.
 25 MR. KORAL: Scope, is that what you

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1 Nunzia Fatica Gallo

2 said?

3 MR. DeTOFFOL: I'm going to keep my
4 objections limited in accordance with the
5 federal rules. I am limiting the
6 objection.

7 I will just say scope from here
8 forward when I object to your question
9 being outside the scope of the mandates
10 for this deposition.

11 MR. KORAL: And you can say
12 privilege if you wish.

13 BY MR. KORAL:

14 Q. Let's take a look at this
15 affidavit. In paragraph three you state that
16 on June 20th, 2006, you received a telephone
17 call from Mr. Giulio Libutti.

18 How do you remember that it was
19 exactly on June 20th that you received a
20 telephone call from Mr. Giulio Libutti?

21 A. I recall -- I could be wrong by a
22 day or two, but my husband has been in the
23 hospital many times in the last six years, and
24 I remember that the day after or so he went to
25 the hospital.

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1 Nunzia Fatica Gallo

2 sleeping at home and is not there. Where is
3 he, is he missing? He was in the hospital
4 around that time.

5 Q. Around that time he was in the
6 hospital?

7 A. That's why I recall June 20th.

8 Q. Did you look at any calendars or
9 any written materials at all in order to
10 determine that it was June 20th, 2006 when you
11 wrote this affidavit?

12 A. No.

13 Q. You just --

14 A. Okay. Again, he was in the
15 hospital June 21st. I remember. And his
16 telephone call took place the day before or
17 two days before.

18 Q. A day or two before he was in?

19 A. Yes.

20 Q. June 20th was actually the original
21 affidavit that he gave you before you retyped
22 it?

23 MR. DeTOFFOL: Counsel, that's not
24 a question. That's argumentative. We
25 are not at trial.

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1 Nunzia Fatica Gallo

2 He went to New York Presbyterian,
3 Payne-Whitney, Weil Medical College on
4 525 East 68th Street, Payne-Whitney
5 psychiatric unit, inpatient unit.

6 I know that it was around that
7 time.

8 Q. Did you take him to the hospital on
9 the day that he went to Payne-Whitney?

10 A. No.

11 Q. How did you learn that he was in
12 Payne-Whitney?

13 A. He was allowed to call, and called
14 me.

15 Q. You recollect that was June 20th,
16 2006?

17 A. I think it was June 21st,
18 June 22nd. I know the days more or less. I
19 have them on a calendar at home. Because as a
20 physician, I take care also of a bit of what
21 happens to him and, you know, my husband.

22 Q. When you say take care, do you give
23 him treatment?

24 A. No. I take care as a wife. I know
25 when my husband is in the hospital and not

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1 Nunzia Fatica Gallo

2 MR. KORAL: It is not meant to be
3 argumentative.

4 MR. DeTOFFOL: It is not an
5 open-ended question. I object to that
6 question. Please rephrase it.

7 Don't answer.

8 Q. Was the date June 20th, 2006 --

9 A. I don't recall.

10 Q. You may have changed that date?

11 A. I don't recall.

12 Q. You don't recall whether --

13 A. It is approximately the date.

14 Q. I am just asking you about when you
15 typed the affidavit. And you said you made a
16 couple of changes and --

17 A. I put the dates --

18 Q. Don't interrupt me. You made a
19 couple of changes and you identified what they
20 were, the spelling of your name, and using the
21 word intimate instead of gay.

22 Do you recall a change in the date?

23 A. There was no date.

24 Q. The date was blank?

25 A. In June 2006 -- I don't recall. I

12 (Pages 42 to 45)

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1 Nunzia Fatica Gallo
 2 put the date June 20th. He went into the
 3 hospital on June 21st or 22nd.
 4 Q. It was a couple of days before he
 5 went into the hospital, and you were using
 6 your memory as to what date he went in?
 7 A. Yes.
 8 Q. Do you recollect what Mr. Libutti
 9 said when he first contacted you when you
 10 first answered the telephone?
 11 A. Yes.
 12 Q. What did he say?
 13 A. He said hi, how are you in Italian.
 14 The conversations took place in Italian. He
 15 said that after long-time observation he came
 16 to conclusion that my husband Francesco Gallo
 17 was indeed gay. He used the word gay.
 18 Q. He used the word gay?
 19 A. Gay, no.
 20 Q. In Italian they use the word gay?
 21 A. Yes, they use the word gay in
 22 Italian. If I don't get interrupted, it will
 23 come better to me.
 24 He said to me that I know he is
 25 having -- he said he is having a gay

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1 Nunzia Fatica Gallo
 2 relationship with the Turk. As a matter of
 3 fact, I know his name is Alex Oskuz. He
 4 referred to him as the Turk.
 5 Q. That's the first thing that
 6 Mr. Libutti said after saying hi, how are you?
 7 You thought about it and came to the
 8 conclusion that your husband is having a gay
 9 relationship?
 10 A. He said hi, how are you? I
 11 observed, you know -- he said words like I
 12 feel bad for you, but I came to the
 13 conclusion -- I don't recall the exact
 14 words -- he said I came to the conclusion that
 15 your husband is actually gay and he is having
 16 an affair or gay relationship with the Turk.
 17 Q. You don't remember --
 18 A. So that --
 19 MR. DeTOFFOL: You are cutting her
 20 off. Please allow her to continue.
 21 Q. Was there anything else that you
 22 wanted to say?
 23 A. Should I go through everything?
 24 Q. No. I am just asking you what
 25 Mr. Libutti said to you in the conversation.

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1 Nunzia Fatica Gallo
 2 MR. DeTOFFOL: She asked you guys
 3 not to interrupt.
 4 MR. KORAL: The record will
 5 reflect --
 6 MR. DeTOFFOL: It will not reflect
 7 your interruption and the promptness with
 8 which you interrupted her.
 9 MR. KORAL: It will certainly
 10 reflect the promptness that you interrupt
 11 me.
 12 MR. DeTOFFOL: That matches the
 13 frequency that you are interrupting her.
 14 Do you want to --
 15 MR. KORAL: If you want to get out
 16 of here by noon, don't interrupt.
 17 MR. DeTOFFOL: Don't interrupt her.
 18 I am here to keep a clean record. You
 19 are interrupting her.
 20 MR. KORAL: That's not true.
 21 BY MR. KORAL:
 22 Q. You said that you know Mr. Libutti
 23 very well?
 24 A. You know.
 25 Q. You were the doctor to his

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1 Nunzia Fatica Gallo
 2 children?
 3 A. Yes.
 4 Q. Was there a time where your
 5 daughter was dating his son?
 6 A. Dating is totally -- they are
 7 different age, you know. They went out
 8 because they went to the same school.
 9 Essentially I took care of all of the
 10 children.
 11 I was the pediatrician of all
 12 children of Mr. Libutti. And yes, I would be
 13 called a lot, you know, by him or by the wife.
 14 Q. Mr. Libutti would call you a lot?
 15 A. A lot, appropriately. So, you
 16 know.
 17 Q. Were you and his wife socially
 18 friendly?
 19 A. We never met alone. We met with
 20 other people for birthday parties, for visits,
 21 but we never met alone. We never went out
 22 alone.
 23 Q. Mr. Libutti, did you regard him as
 24 a friend?
 25 A. I regard him as a friend.

14 (Pages 50 to 53)

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1 Nunzia Fatica Gallo
 2 Q. Did your husband ever tell you
 3 there were rumors that he was gay?
 4 A. No, never.
 5 Q. Before the telephone call with
 6 Mr. Libutti around June 20th, 2006, were you
 7 aware that Mr. Oskuz, the Turkish man, had a
 8 lawyer right write a letter to Alitalia
 9 accusing your husband of sexual harassment?
 10 A. No.
 11 Q. Your husband never told you that?
 12 A. No.
 13 Q. Did Mr. Libutti mention that in his
 14 telephone conversation around June 20th?
 15 A. If you see paragraph four in the
 16 same conversation --
 17 Q. You do not have to read it out
 18 loud.
 19 A. Mr. Libutti felt sorry for me. And
 20 he said he will take care of whatever the Turk
 21 was trying to get out of Francesco Gallo, but
 22 on one condition, that Franco should never sue
 23 Alitalia.
 24 That was a decision sine quo non,
 25 otherwise Alitalia and Mr. Libutti would not

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1 Nunzia Fatica Gallo
 2 help him. This was the first time I heard
 3 there was something legally happening by the
 4 Turkish -- Mr. Oskuz who, again, Franco --
 5 against Franco.
 6 I told Mr. Libutti do not talk to
 7 me about this. He insisted that I should be
 8 the ambassador, the one to tell Franco this.
 9 Q. Your husband was not in the
 10 hospital yet, is that right, and you wanted
 11 Mr. Libutti to talk to your husband and not to
 12 you about that matter?
 13 MR. DeTOFFOL: Can you read it.
 14 MR. KORAL: I will rephrase it.
 15 Q. You told Mr. Libutti that he should
 16 discuss this with your husband and not with
 17 you?
 18 A. Yes.
 19 Q. And your husband was not at
 20 Payne-Whitney at the time?
 21 A. No.
 22 Q. Did Mr. Libutti give you any
 23 information about what kind of charges or
 24 complaints Oskuz was making?
 25 A. No.

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1 Nunzia Fatica Gallo
 2 Q. He did not tell you anything; he
 3 just told you that we will settle with
 4 Mr. Oskuz?
 5 A. Exactly.
 6 MR. DeTOFFOL: You mischaracterized
 7 her earlier testimony.
 8 MR. KORAL: I will clarify.
 9 Q. Did he tell you that Alitalia had
 10 already settled Mr. Oskuz's complaint?
 11 A. No. He made me understand that it
 12 was for the future and he did not tell me --
 13 it already happened.
 14 Q. You can't answer that?
 15 A. No. He made me understand that it
 16 will take place. As I told you --
 17 THE WITNESS: Should I repeat
 18 myself?
 19 MR. DeTOFFOL: No, just answer the
 20 question, if you can remember what it
 21 was.
 22 Q. So that Libutti said that there was
 23 a condition on Alitalia helping protecting
 24 your husband against this complaint from the
 25 Turkish guy, and that was that he would

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1 Nunzia Fatica Gallo
 2 promise not to sue Alitalia; is that correct?
 3 A. Correct.
 4 Q. Did you ask Mr. Libutti what
 5 Mr. Oskuz was accusing him of?
 6 A. No.
 7 Q. You never met Mr. Oskuz yourself,
 8 did you?
 9 A. Never.
 10 Q. Do you know who Pierandrea Galli
 11 is?
 12 A. I do.
 13 Q. He was also an executive at
 14 Alitalia for a time here in New York?
 15 A. I don't know his exact position.
 16 The positions change, you know. I know he was
 17 working in a high level position. I don't
 18 know the position.
 19 Q. He was in New York for a time and
 20 he was in Rome afterwards; is that correct?
 21 A. I don't know. You know, people
 22 come and go. It's a very revolving door type
 23 of company. He left, came back.
 24 Q. Did you regard Mr. Galli as a
 25 friend?

16 (Pages 58 to 61)

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1 Nunzia Fatica Gallo
 2 BY MR. KORAL:
 3 A. I took time to go to the restroom.
 4 Q. You don't have to tell me that.
 5 I'm not your doctor. It's all right. We are
 6 close to finishing.
 7 Prior to June 20th, 2006, did you
 8 ever hear any rumors that your husband and
 9 Gino Ferrara had had a gay relationship?
 10 A. No.
 11 MR. KOCIAN: Note my objection.
 12 Q. Did you ever tell anybody that you
 13 thought they had a gay relationship prior to
 14 June 20th, 2006.
 15 MR. DeTOFFOL: Go ahead. You can
 16 answer.
 17 Can you read the question.
 18 (Question read back by the
 19 reporter.)
 20 MR. DeTOFFOL: I'm going to object
 21 to the scope.
 22 MR. KORAL: That means that you are
 23 instructing her not to answer?
 24 MR. DeTOFFOL: I strongly advise
 25 her not to answer.

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1 Nunzia Fatica Gallo
 2 MR. KORAL: Are you instructing
 3 her?
 4 MR. DeTOFFOL: No.
 5 Q. Then you can answer the question.
 6 The question is: Before June 20th, 2006 did
 7 you ever tell anybody that you thought Gino
 8 Ferrara and your husband had a gay
 9 relationship?
 10 MR. KOCIAN: Objection. Beyond the
 11 scope.
 12 Q. Are you refusing to answer the
 13 question?
 14 THE WITNESS: Am supposed to
 15 answer?
 16 A. No, I did not hear anything
 17 about --
 18 Q. I asked you that already. Did you
 19 ever tell anybody that you thought --
 20 A. No, I did not.
 21 Q. I want to return to the telephone
 22 conversation with Mr. Libutti, the one that is
 23 discussed in paragraph three of the affidavit.
 24 Do you remember anything else about
 25 that telephone conversation?

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1 Nunzia Fatica Gallo
 2 A. I recall whatever is written hear.
 3 Q. And that's if --
 4 A. Yes.
 5 Q. Did Mr. Libutti call you at home?
 6 A. He called me at the hospital.
 7 Q. On the cellular telephone, on your
 8 cellular telephone?
 9 A. Office telephone. Office has
 10 different telephones.
 11 Q. How long did the conversation last?
 12 A. Brief.
 13 Q. A couple of minutes?
 14 A. I don't recall, but it was brief.
 15 Q. Do you recall anything else that
 16 you said in that conversation?
 17 A. I insisted that he speak to him
 18 very much. I insisted maybe twice or maybe
 19 three times, please speak to him. Please
 20 speak to him directly.
 21 Q. Did you ever learn from your
 22 husband whether Mr. Libutti did speak to him?
 23 A. No, he never spoke to him.
 24 Q. Do you know that?
 25 A. He called my house the same day,

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1 Nunzia Fatica Gallo
 2 evening. I don't recall -- Mr. Libutti said
 3 that to me, and he was very upset. He was
 4 very -- how can I say -- preoccupied. And he
 5 was already not doing well. And a day or two
 6 later he went to hospital. And as, you know,
 7 he was admitted to the hospital.
 8 Q. Let's talk about the conversation
 9 with your husband. What exactly did you tell
 10 him?
 11 A. I told him Mr. Libutti said that he
 12 will help you against Mr. Oskuz's case, which
 13 I didn't know exactly what was. I don't ask
 14 people. The people tell me. Otherwise I
 15 don't ask.
 16 He will help you on the condition
 17 that you will not sue Alitalia. And he asked
 18 me why doesn't he tell me himself? And I said
 19 to him -- and I ask him the same question, but
 20 he did not answer.
 21 Q. Did your husband indicate to you
 22 that he knew that Oskuz was making some case
 23 against him?
 24 A. No. I think he was preoccupied --
 25 I mean he was like mad or something, and he